CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:		CCRB Case #:	✓	Force		Discourt.		U.S.
		Team #	6	201211813	✓	Abuse		O.L.		Injury
Incident Date(s)		Locatio	on of Incident:	•		Precinct:		S.O.L.	. Exp	ires:
Sun, 09/09/2012 1:46 AM		1491 Je	erome Avenue			44		03/0	9/20	14
Date/Time CV Reported		CV Re	ported At:	How CV Reported	d:	Date/Time R	eceive	d at CCRB		
Wed, 09/12/2012 1:13 AM		CCRB		On-line website		Wed, 09/12/2	2012	1:13 AM		
Complainant/Victim	Type		Home Add	ress						
1.	Comp/V	ictim								
Witness(es)			Home Add	ress						
1.										
2.										
3.										
Subject Officer(s)	Shield		TaxID	Command						
5. POM Rafael Morales	14062			044 PCT						
Witness Officer(s)	Shield N	To	Tax No	Cmd Name						
Officer(s)	Allegation					Invest	tigato	r Recomn		ation
Officer(s)	Megati	OII				TH VES	agaio.	Recomm	iciia	ution
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G . POM Rafael Morales			Morales faile by P.G. 212-0	d to prepare a memo	boc	ok G.O	ther N	//Iisconduct		

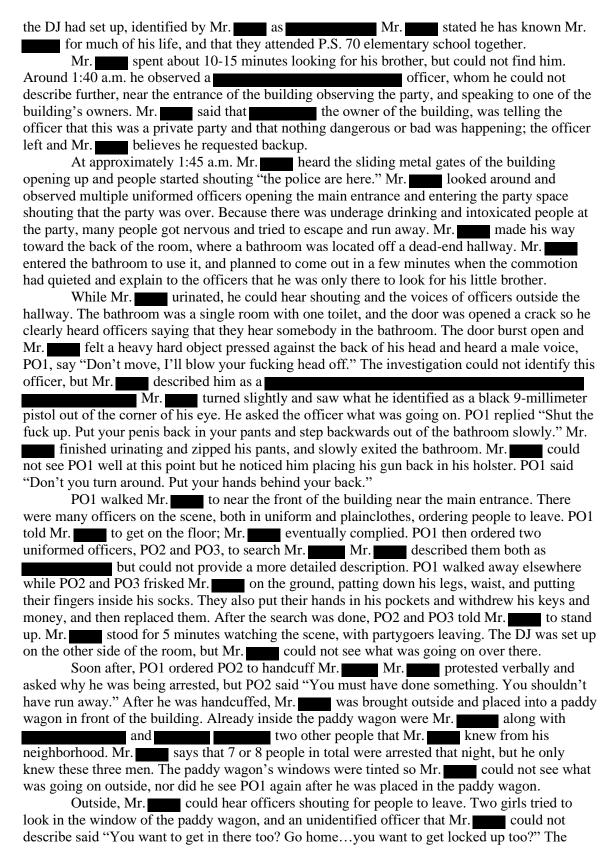
Case Summary

On September 12, 2012, filed this complaint with the CCRB using the online complaint form. At the same time, he filed a complaint for this incident with the IAB command
center, generating IAB log #2012-48726. He reported that at 1:46 a.m. on September 9, 2012, he was arrested for criminal nuisance at a party at 1491 Jerome Avenue in the Bronx by officers of the 44 th Precinct. The following allegations resulted:
Allegation G— Other: PO Rafael Morales failed to prepare a memo book entry as required by Patrol Guide procedure 212-08.
Sgt. PO and PO Morales did not make any note of the incident in their memo books as required by Patrol Guide procedure 212-08. It is therefore recommended that they be cited for other misconduct.
Results of Investigation
<u>Civilian Statements</u>
Complainant/victim:
CCRB Testimony On October 1, 2012, was interviewed at the CCRB (encl. 6a-f).
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Around 1:46 a.m. on September 9, 2012, Mr. was deejaying at a party located at 1491 Jerome Avenue in the Bronx. The venue was a mechanic shop that did not have any vehicular equipment inside at the time. There were approximately 60-70 people at the party standing both inside and outside the location, but Mr. was not aware of anyone calling 911 or complaining about noise. Mr. was standing approximately 20 feet from the door, when to his right he observed at least ten to twenty officers in uniform and plainclothes entering the location. Mr. observed an officer the investigation has identified as Lt. from the 44 th Precinct point his gun at an individual whose name and contact information Mr. refused to provide.
An officer that the investigation has identified as PO approached Mr.
As Mr. was packing up his deejay equipment, PO why, and continued to pack up his belongings. In response, PO told Mr. why, and continued to pack up his belongings. In response, PO told Mr. was a police officer. PO placed Mr. was a police officer. PO that his uncle works in the joint task force. PO told Mr. was a police officer. PO that his uncle can shove his "badge up his ass." Mr. was a did not remember how he responded to PO that his conversations with PO that his conversations with PO that his conversations with PO that his part and a Hispanic female. While Mr. was a strain the vehicle two feet away from the location, all of the officers made everyone who was inside the mechanic's shop exit the establishment. The officers checked everyone's identification and frisked them. Mr. was unable to provide specifics about which officer did what to who because he said the windows were tinted in the vehicle and he could not see out. Mr. was transported to the 44th Precinct stationhouse, where he met with an officer who he identified as PO Mr. was issued a desk appearance ticket, which charged Mr. with criminal nuisance. Mr. was said that there were approximately seven police cars on scene and at least twenty officers who were dressed in uniform. Mr. music equipment was confiscated and vouchered as arrest evidence.
Victim:
<u>victimi.</u>
On September 5, 2013, was interviewed at the CCRB (encl. 7a-e). In the early hours of September 9, 2012, Mr. was walked to a party at 1491 Jerome Avenue, which was a large auto body shop renovated into a party space. Mr. went to the party to bring home his 14-year-old younger brother. He left his house around 1:00 a.m. and was wearing black Robin jeans, Nike boots, and a t-shirt. He had his keys and some money in his left front pocket, but he had no wallet or ID, nor a cell phone at the time; he was going out to find his little brother in person because he had no phone to call him with. Around 1:30 a.m. Mr. arrived at the party and entered; the music was very loud and
the room was dark, with a lot of smoke in the air from hookahs. There were over 100 people at the party, which was a birthday party for a young woman. Across from the entrance was where

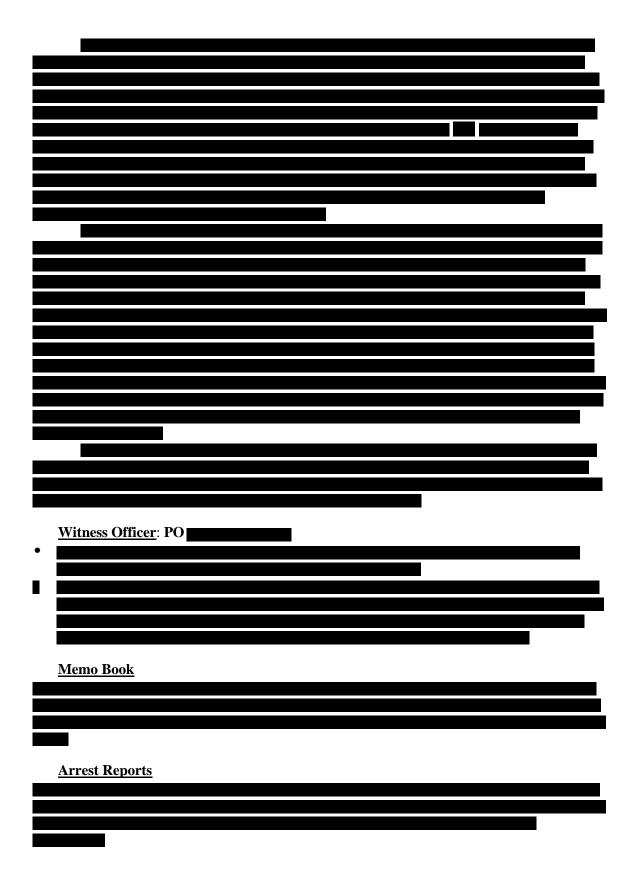
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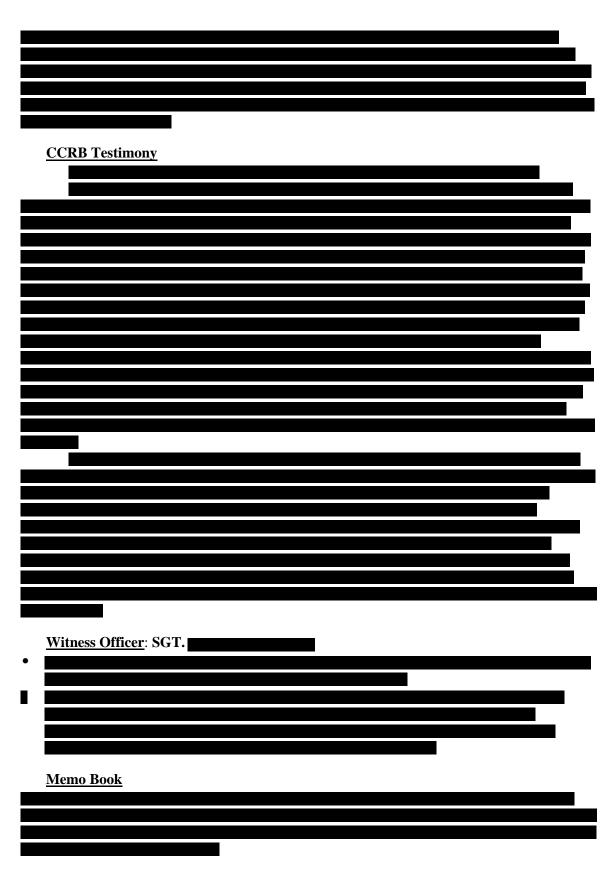
them sit in were drivi Central Bo	gon took them all to the 44 th Precinct, where PO2 and PO3 brought them inside and he cells while waiting their turn to be processed. Mr. believes that PO2 and PO3 and the van. Because Mr. had no ID, after they processed him he was sent to booking. At Central Booking Mr. was interviewed and checked out medically, at
then releas	sed without charges.
Attempts	to contact witnesses
i E	

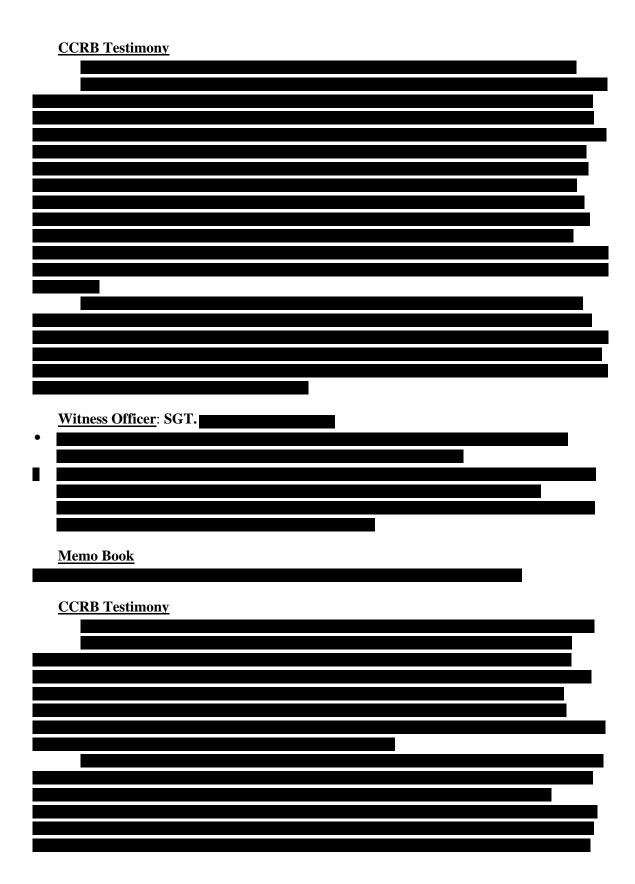
NYPD Statements: Subject Officer: PO Memo Book **CCRB Testimony**

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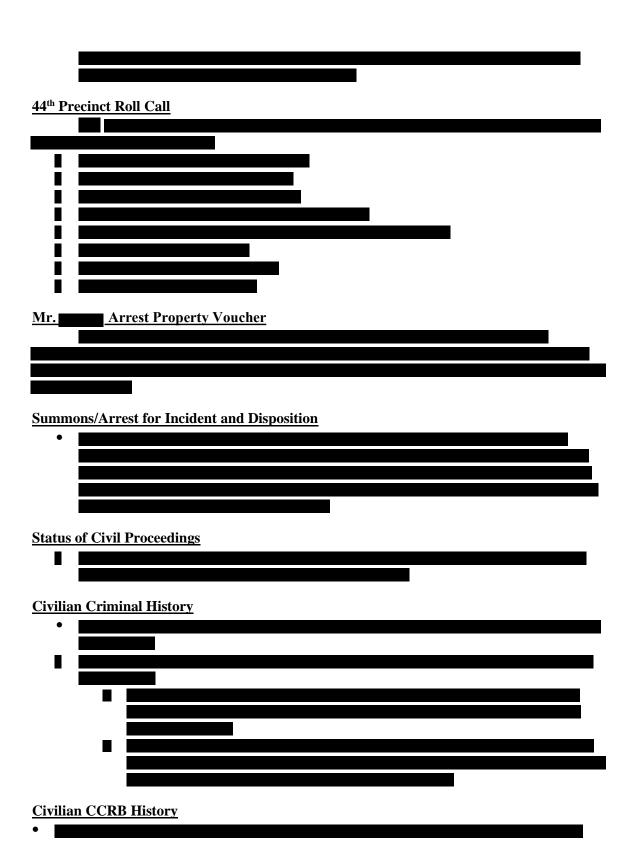
Witness Officer: PO
witness officer. 1 o
Memo Book
CCDD TO 4
CCRB Testimony
Witness Officer: PO RAFAEL MORALES
•
• PO Morales' tour began at 8:30 p.m. on September 8, 2012, and concluded at 5:05 a.m. on
September 9, 2012. He was assigned to Anti-Crime and worked with Sgt. PO and PO He was in plainclothes and driving in an unmarked RMP.
the was in plaincioines and ariving in an unmarked KMF.
Memo Book
PO Morales had no entries in his memo book regarding this incident (encl. 12d-e)
CCRB Testimony
On January 30, 2014, PO Rafael Morales was interviewed at the CCRB (encl. 12f-g)
At the time of the incident, PO Morales and Sgt. were in an RMP operated by
PO when they heard a 10-85 come over the radio seeking officer assistance for crowd
control at 1491 Jerome Avenue. They responded to this location, which was an auto body shop

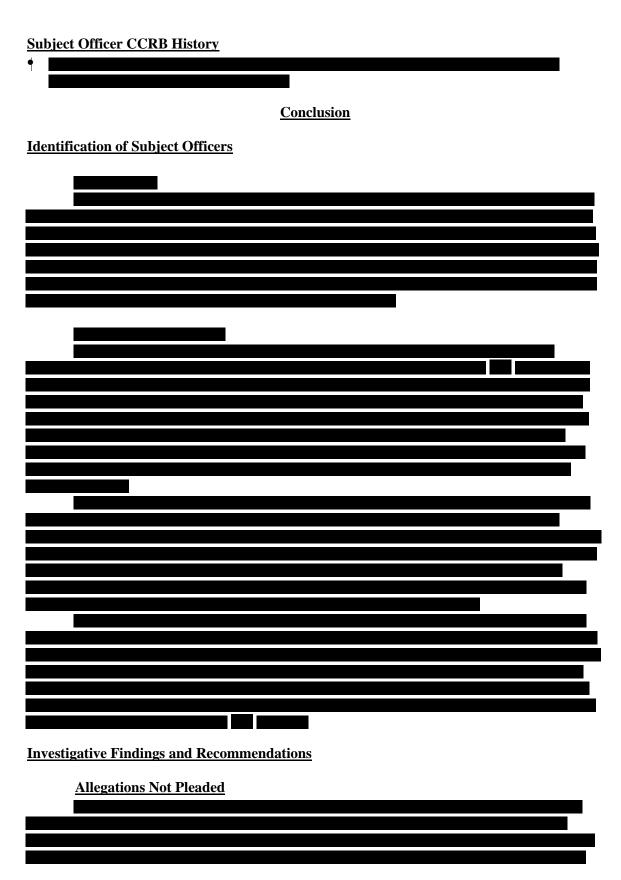
that many people were having a party inside. They arrived at the location 60-90 seconds after the 10-85 was called. Many people were making their way out of a large party at the location and there were many officers there as well, although PO Morales could not estimate how many civilians or officers were there. By the time that Anti-Crime got there, the situation was "under control." PO Morales did not take any police action, nor did any member of his team. They were on scene approximately two to three minutes.

PO Morales did not see any people get arrested, nor any of the arrested persons after they were taken into custody. PO Morales did not enter the location, nor did any members of the Anti-Crime team, and all members of his team were together at all times during their response to the scene. PO Morales did not recognize any photos of Mr. or Mr. The crowd was exiting the location in an orderly fashion, and PO Morales did not see "anything crazy" going on. He did not draw his firearm, or observe any other officer draw their firearm, or hear any discourtesy or threats of force.

Office	s Not Interviewed
NYDD	
NYPD	<u>Documents</u>
NYPD	
NYPD	Documents SPRINT
NYPD	
NYPD	
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Allegation G— Other: Prequired by Patrol Guide proces		led to prepare a memo l	oook entry as
Patrol Guide procedure 2 service below the rank of captain, record information pertinent to an memo books. Although Sgt. the incident and supervised the exthe incident in their memo book.	12-08 (encl. 1d-f) mand except members perform assignment or observed PO and art of individuals from the As such, the investigation and adhere to the guide	rming permanent administ d/suspected violation of land PO Morales responded the party, they failed to mon determined that Sgt. line stipulated by the afor	strative duties, law in their I to the scene of ake any note of PO rementioned
Team:			
Investigator:Signature	Print		
Supervisor:	Print		_
Reviewer:			
Title/Signature	Print	Date	
Reviewer:			
Title/Signature	Print	Date	